Single Bench

(3)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

W.P. No. 554 /2005

PETITIONER

Durga Motor Service, Through Partner, B.B. Gupta, aged 38 yrs. S/o. Jeetan Prasad Gupta, Aged about 38 years, R/o. Purana Bus Stand, Ambikapur District Ambikapur (C.G.)

W.P. No. 554/05
Presented by Shri A. Sinha
dated 11-02-05

VERSUS

RESPONDENTS

1. State Transport Appellate Tribunal, Raipur (C.G.),

2. Regional Transport Authority, Raipur (C.G.).

3. Shri Gurbhej Singh Chhabra, S/o. Shri Raghubeer Singh Chhabra, R/o Mahamaya Road, Ambikapur.

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA

XI-HC-22

(19)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक W.P.554/ सन् 2005

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

1-3-2005

Shri B.K. Rawat, counsel for the petitioner.

Shri Sumesh Bajaj, Deputy Government Advocate for the State/ respondent No.2.

The petitioner has preferred this writ petition seeking relief that a writ of mandamus be issued to the State Transport Appellate Tribunal, Raipur to decide the appeal filed before it under Section 89 of the Motor Vehicles Act, against the order of the Regional Transport Authority, Chhattisgarh, Raipur granting regular permit on the route from Ambikapur to Ramanujganj.

The case of the petitioner is that respondent No.3 applied for grant of regular stage carriage permit on the route from Ambikapur to Ramanujganj, and an objection was raised by the petitioner on the ground that the route has not been formulated by the State Government fixing the number of stage carriages on the route in question and on other grounds. However, the Regional Transport Authority vide its order dated 21-7-2004, in spite of the objection by the petitioner, granted regular permit to respondent No.3, the same is without jurisdiction, against which the petitioner preferred an appeal before the STAT, in the month of August, 2004, and applied for grant of stay against the order of the RTA. Even after the lapse of five months period, the learned Tribunal has neither decided the stay application nor the appeal. Therefore, the STAT be directed to decide the appeal, at the earliest, in accordance with law.

I have heard learned counsel for the parties.

Learned counsel for the petitioner submits that there is no much pendency before the STAT, Raipur, and even then, the appeal is not being decided for a period of six months.

(20)

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक WP 5547/05 सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

I have ascertained the fact about the pendency of cases before the STAT, Raipur, from the Registry of this Court and I have been informed that the submission made by learned counsel for the petitioner is not without foundation. When there is no much pendency before the STAT, then the learned Tribunal ought to have decided the cases expeditiously, in accordance with law.

In the circumstances, the learned STAT, Raipur is directed to decide the appeal, as early as possible, in accordance with law.

With the above observations and direction, the petition stands disposed of.

Consequently, I.A.No.1175/2005 stands disposed of.

Parties are entitled for certified copy of this order.

Sd/-
L.C.Bhadoo
Judge

Soma